

REMARKS

Claim Status

Claims 1-34 are pending in the application.

Claims 1, 8, 18 and 19 are all amended without prejudice. For example, claims 1, 8 and 18 are merely amended in an editorial manner. Claim 19 is amended to recite: “the diffuser provided between the light source and the object”.

Dependent claims 32-34 are newly presented. We respectfully submit that the new claims are supported in the application as filed.

Oath/Declaration

This application was originally filed with an application data sheet. *Please see* the attached copy of the Application Transmittal form. The application data sheet includes mailing addresses, city/state of residences and citizenship information.

We speculate that the application data sheet was not properly scanned in to the Electronic File because PAIR shows a two page paper titled “Application Data Sheet,” but this file includes only drawings.

Thus, we are attaching a copy of our previously filed application data sheet. Withdrawal of the objection is respectfully requested.

Specification Objects

We appreciate the Examiner’s helpful proofreading. Corrections have been made according to the Examiner’s suggestions.

Art-Based Rejections

Claims 1-6, 11, 12, 14-16, 19, 20 and 22-31 stand rejected as being anticipated by Shank (U.S. Patent No. 3,737,226). Claims 1, 7, 9, 10 and 13 stand rejected as being anticipated by Terada (U.S. Patent No. 6,381,415). Claims 17, 18 and 21 stand rejected as being unpatentable over Shank in view of Chang et al. (U.S. Patent No. 4,915,237). Claim 8 stands rejected as being unpatentable over Terada.

We respectfully traverse these rejections.

Claim 1 in view of Shank

Claim 1 recites, in combination with other features, a diffuser *disposed between* the light source and the object.

Shank's Fig. 1 teaches away from this arrangement by placing the *alleged* diffuser 34 beyond object 24 (see Col. 2, lines 1-4) instead of between the light source 20 and object 24. (We also take issue with the interpretation of "diffuser" in the Office Action regarding Shank. The Office Action seems to only equate a diffuser with a reflective surface. We need not debate this position at this time but reserve the right to do so.)

The rejection of claim 1 over Shank is improper. We respectfully request removal of the rejection.

New claims 32 and 33

Based on the rejection of claim 1, we think that there may be some confusion regarding the "diffuser" recited in claim 1.

We have added new dependent claim 32 and 33 to further define this feature.

Claim 32 recites that at least some light from the light source diffuses through the diffuser toward the object. This is consistent with the specification at, e.g., Fig. 7, light beam 246a being diffused to light beam 248a. *Please see* also paragraph [53] spanning pages 19 and 20 ("Other light beams 246a-246n are directed through the aperture 216 toward the diffuser 220. The beams 246a-246n emerge from the diffuser 220 as diffuse light beams 248a-248n and are directed toward the subject 30. Because the light beams 248a-248n have been diffused by the diffuser 220, any light spot reflections from glasses are reduced and the skin tone appearance is improved over the prior art lighting arrangement (FIG. 2).") (emphasis added).

Shank's reflective surface 34 – and its relative placement in the housing 12 – teaches away from the combination recited in claim 32.

Claim 33 recites that at least a portion of the diffuser is disposed between the object and the inner surface portion of the housing. This is consistent with the specification, e.g., at Fig. 5. (See, e.g., diffuser 220 relative to reflective surfaces 214a and 214b.)

Shank's reflective surface 30 – and its relative placement in the housing 12 - teaches away from the combination recited in claim 33.

Claim 16 in view of Shank

Claim 16 recites – in combination with other features - a diffuser *positioned between* the light source and the object.

Shank's Fig. 1 teaches away from this arrangement by placing the alleged diffuser 34 beyond object 24 (see Col. 2, lines 1-4) instead of between the light source 20 and object 24.

Thus, the rejection of claim 16 over Shank is improper. We respectfully request removal of the rejection.

Claims 19 and 27 in view of Shank

Claim 19 is amended to recite – in combination with other features – a diffuser provided between a light source and an object. And claim 27 recites – in combination with other features – a diffuser disposed between a light source and an object.

Shank is deficient for reasons analogous to those discussed above with respect to claims 1 and 16.

Claim 31 in view of Shank

Claim 31 recites – in combination with other features – directing light from a light source directly towards an object, and diffusing the light directed directly toward the object. Other light is reflected. In this claim, diffusing the light directly toward the object implies that the light from the light source is directed to an object, and is diffused, but still *directed toward* the object.

This is not the arrangement discussed by the reflection arrangement in Col. 2, lines 35-41.

Claims 22 and 23 in view of Shank

Claim 22 recites – in combination with other features – means for illuminating an object such that substantially all shadows of the object within the field of view of an image capture device are located behind the object. And claim 23 recites – in combination with other features - means for converting the light from the light source into indirect side lighting directed onto the object, whereby at least a portion of the visible shadows of the object are reduced.

The means for illuminating and means for converting imply particular structure and their equivalents. This should mandate at least an inspection – and discussion of – the structure and arrangements disclosed in the specification. We do not see such an analysis in the Office Action.

Thus, we respectfully submit that the rejection is improper.

Remaining claims in view of Shank

The remaining claims rejected over Shank are also believed to recite patentable combinations. Favorable reconsideration is requested.

Claim 1 in view of Terada

Claim 1 recites – in combination with other features – both: i) a housing having at least *one inner surface portion that is diffusely reflective*, and ii) *a reflector* disposed adjacent the aperture between the light source and the diffuser.

For example, and with reference to Fig. 6, the one inner surface may include surfaces 214a and/or 214b, and the reflector may include reflector 222. (Of course, other examples will fall within the scope of this claim.)

The Office Action, however, applies the reflector 111 (or 11) to both the one inner surface portion that is diffusely reflective and to the reflector. Please see the Office Action on page 13, lines 1-2 and 8-10. Having a single element read on multiple items in claim 1 is an unfair reading of the reference – stretching it beyond the structure (111) discussed.

Withdrawal of the rejection is respectfully requested.

New Claim 34 in view of Terada

New claim 34 recites that a length of the diffuser along a first axis is shorter relative to a length of the housing along the same axis.

Fig. 4 of Terada shows a different arrangement, with the length of the diffuser being longer relative to the length of the housing. Contrast this to the arrangements in the specification at, e.g., in Fig. 5, Fig. 6, Fig. 10, Fig. 11A, Fig. 12, etc. (Of course, other arrangements will fall within the scope of this claim.)

Remaining claims in view of Terada

The remaining claims rejected over Terada are also believed to recite patentable combinations. Favorable reconsideration is requested.

Claims 17, 18 and 21 in view of Shank and Chang

Shank is deficient for at least the reasons noted above. Chang is not cited, nor is it understood, to remedy at least the stated deficiencies of Shank.

Thus, the rejection of these claims should be withdrawn.

Conclusion

A Notice of Allowance is respectfully requested. In the meantime, the Examiner is invited to telephone the undersigned at 503-469-4685 if any questions remain.

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Respectfully submitted,

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